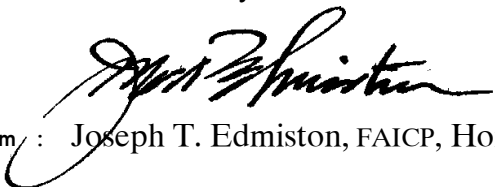


# Memorandum

To : The Conservancy  
The Advisory Committee

Date: April 30, 2007



From : Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 19: Consideration of resolution approving a one year term non-renewable lease of a portion of the Temescal Canyon Conference and Retreat Center to Seven Arrows/Little Dolphins by the Sea for operation of a private preschool and summer camp, Pacific Palisades.\***

Staff Recommendation: That the Conservancy approve a one year, non-renewable, lease to Seven Arrows/Little Dolphins private preschool and summer camp, according to the price and terms as instructed to negotiators in closed session pursuant to Subdivision (c)(7)(A) of Section 11126 of the Government Code.

Legislative Authority: Section 33206 of the Public Resources Code provides, in part:

The conservancy may lease lands acquired in accordance and *for purposes consistent* with this division. [Emphasis added.]

Background: This 141 acre property was acquired in 1994 using Los Angeles County Safe Neighborhood Parks Act (Proposition A) funds. The funds distribution was as follows:

– \$1,000,000 was for “Acquisition of the northern portion of 141 acres of property adjacent to Temescal Gateway Park [20.2 acres previously acquired in 1982 from LAUSD] and Topanga State Park to protect existing trails and improve access to the Backbone Trail.”

– \$3,200,000 was “for the purpose of acquiring and developing a portion of 141 acres of property adjacent to Temescal Gateway Park [20.2 acres previously acquired in 1982 from LAUSD] and Topanga State Park, *which will be used as an at-risk youth camping facility*. Also the relocation of 9 households *and development of at-risk youth facilities*. [Italics added.]”

This acquisition was the result of an “opportunity purchase” occasioned by the financial condition of the Presbyterian Synod of California and Hawaii. Having rejected over \$11,000,000 from the National Park Service at the very inception of the SMMNRA, we were understandably surprised by the Synod’s offer, but we didn’t hesitate to accept, even though arrangements for the management of this conference center were “in flux” to say the least. One of the typical characteristics of the Conservancy’s acquisitions is flexibility, and so it was here.

Initially utilizing the non-profit Mountains Education Program, from day-one the public got served (literally), even if it meant that Amy Lethbridge and her family had to staff the kitchen when the temperamental cook walked off the job.

Given this initial situation, we were happy to accept the Seven Arrows/Little Dolphins initial proposal to rent a portion of the Temescal Canyon facility in order to provide a small but stable revenue stream upon which to base the development of programs and the maintenance of the park.

Fast forward now to 2002. The Temescal Canyon Conference & Retreat Center has a vibrant educational program going and is close to being self-sufficient in terms of revenue generated by parking fees and special events (such as weddings).

Upon the pleas of Seven Arrows/Little Dolphins, a five year lease was approved, ending in June 2007, but with very specific conditions, including

“¶ 17. This tenancy is of a temporary nature, and the parties to this Agreement agree that no relocation benefits from the LANDLORD will be sought or provided in any form as a consequence of this tenancy.”

“¶ 21. It is understood that the property to be occupied under this lease has been acquired by SMMC for park purposes and that LANDLORD is planning for appropriate public use of the park. LANDLORD expressly reserves the right to terminate this Agreement for reasons relating to the administration of the park.”

“¶ 23. *At no time is this Agreement to be construed as permitting any further or future use of either existing or proposed facilities.* [Emphasis added.]”

Public Use of Temescal Canyon: As a result of adroit planning and marketing of Temescal Gateway Park and the Temescal Canyon Conference & Retreat Center by the Mountains Recreation & Conservation Authority (MRCA), the facility is now self-sustaining and does not need outside lessors to provide funding to keep the facility operating.

This is a major accomplishment. It means that private facilities, Seven Arrows/Little Dolphins and Palisades Jewish Early Childhood Center, which previously leased cabin accommodations in order to provide lease revenue for operation of Temescal Canyon, are no longer needed to provide public benefits.

Based on the MRCA's successful business plan, that has proven positive revenues for the past

three fiscal years, with ever increasing revenues each year, the Temescal Canyon Conference and Retreat Center and Temescal Gateway Park are now being operated totally for the benefit of the public, without any need for private party leases. Indeed, private party leases now restrict the mission of the facility, as defined in the Prop. A grants, described above.

Public Use Must Trump Private Use: Both Seven Arrows/ Palisades Jewish Early Childhood Center were very helpful in providing a stable revenue source when the SMMC/MRCA could not do so. They are entitled to our thanks and a respectful phase-out of their private operations. However, what must be involved here is “phase-out” not “continuation” and certainly not “extension.” The Conservancy’s leasing power extends only “for purposes consistent with this division [Santa Monica Mountains Conservancy Act].” When there is a fully funded public purpose to be served, it is not “consistent” with the Conservancy Act to yield such public use to a private purpose. Nowhere does a private preschool come anywhere close to being a “purpose” of the Conservancy Act.

Because of the physical limitations of the site, there is—what theorists would call—a “zero-sum” situation here. Amy Lethbridge, Deputy Executive Officer and Chief of Education and Interpretation for the MRCA has put the issue well:

[There are] two types of overnight accommodation at Temescal, bungalows and cabins. Our bungalows, which currently house the Temescal Field Science Program, sleep 64. The cabins, which are currently out of use during the school year due to pre-school rental, can sleep another 90, though they will require renovation to meet camp needs. The students who come for science camp come during the traditional school year with their class, approximately 35 students, and we require a minimum of 4 adult chaperones and a teacher. Therefore we need 40 beds to serve one class. This year we expanded from our 16-week program in the spring to a full school year program that will include use of the bungalows in the Fall, which will allow us to double our numbers. However to grow more than that we need the cabins, because then we could do two schools at a time (needing a minimum of 80 beds) and eventually three schools at a time (120 beds at once). We are waiting for official confirmation, but LAUSD has recently received a grant from the DWP to increase participation in its field science programs and the money that would come to Temescal will allow us to expand to 2 schools at a time, but again, we can only do so if we have more beds.

The Los Angeles Unified School District in fact has a goal that every 6<sup>h</sup> grader will have an overnight outdoor education experience. Sadly, last year less than 20% of LAUSD 6<sup>th</sup> graders did so. This is due to a lack of facilities as well as a

lack of funding for programs. Historically, outdoor science programs have relied upon parents and communities to provide financial support for a portion or the entire participant fee. Most schools use a combination of fund raising projects and family contributions to pay for field trip costs, particularly for outdoor science camps. Given that 61% of the children in Los Angeles County live in poverty, the ability of these students and their families and communities to provide financial support is limited. This reality creates a tremendous disincentive for schools serving high poverty communities to commit to sending students to these programs. The result is that disproportionate numbers of economically disadvantaged students lack access to this rich, standards-based educational experience. Thus far we have been able to keep the Temescal Field Science program free to participating students because of direct support from the school district.

Price and Terms: These aspects of the proposed one-year lease are to be discussed in closed session pursuant to the authority of Subdivision (c)(7)(A) of Section 11126 of the Government Code.